

Kerala Gazette No. 16 dated 19th April 2011.

**PART I**

**Section iv**



GOVERNMENT OF KERALA

**Local Self Government (RD) Department**

NOTIFICATION

No. 48302(1)/RD1/2010/LSGD.

*Dated, Thiruvananthapuram, 19th March 2011.*

In pursuance of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorize the publication in the Gazette of the following translation in the English Language of the Kerala Local Authorities (Disqualification of Defected Members) Amendment Rules, 2005.

By order of the Governor,

S. M. VIJAYANAND,

*Additional Chief Secretary to Government.*

**THE KERALA LOCAL AUTHORITIES (DISQUALIFICATION OF DEFECTED MEMBERS) AMENDMENT RULES, 2005**

[Translation in English of the Kerala Local Authorities (Disqualification of Defected Members) Amendment Rules, 2005, published under the authority of the Governor.]

**S.R.O.No. 913/2005.**—In exercise of the powers conferred by sub-section (1) of section 7 of the Kerala Local Authorities (Prohibition of Defection) Act, 1999 (11 of 1999), the Government of Kerala, hereby make the following rules to amend the Kerala Local Authorities (Disqualification of Defected Members) Rules, 2000 issued under notification No. G. O. (P) 64/2000/LSGD dated 21st February, 2000 and published as S. R. O. No. 158/2000 in the Kerala Gazette Extraordinary No. 346 dated 22nd February, 2000, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Kerala Local Authorities (Disqualification of Defected Members) Amendment Rules, 2005.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In the Kerala Local Authorities (Disqualification of Defected Members) Rules, 2000,—

(1) In rule 4,—

(a) for clause (i) of sub rule (1), the following clause shall be substituted, namely:—

“(i) in the case of a member belonging to a political party or a member considered as included therein, it shall be the person authorized from time to time to recommend the symbol belonging to the political party in order to contest the said member in the election. Provided, the above said direction shall be in the letter head and seal of the political party and for the information of the members, the contents therein shall be read over by the member who shall be elected by the members belonging to the political party and the members considered as included in the political party jointly, based on majority from among themselves, and the direction so read shall be deemed to have given directly to the members. In any case, in the absence of the member elected by majority or if that member refuses, another member belonging to the same party shall read over the said direction.”;

(b) after clause (ii), the following clause shall be inserted, namely:—

“(iii) if any dispute arises between the member elected on majority or the concerned political party as mentioned in clause (i), the above said direction given shall be considered as valid”;

(c) sub rule (2) shall be omitted;

(d) sub rule (3) shall be numbered as sub rule (2) and the following words shall be added thereto at the end, namely:—

“Copy of the direction in writing shall also be given to the Secretary”.

By order of the Governor,

S. M. VIJAYANAND,  
*Additional Chief Secretary to Government.*

**Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

As per the amendment made in the Kerala Local Authorities (Prohibition of Defection) Act, 1999, by the Kerala Local Authorities (Prohibition of Defection) Ordinance, 2005 (16 of 2005), in any urgent situations like the election of Chairperson, Deputy Chairperson, Standing Committee Chairman etc., of a Local Authority or voting on a non-confidence motion if the members are belonging to political parties, they may not vote against the direction in writing given by the leader of that political party or may not abstain from voting. As per the Act, the person giving that direction has to be prescribed. Government have decide to amend the Kerala Local Authorities (Prohibition of Defection) Rules, 2000 prescribing it.

The notification is intended to achieve the above object.

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